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## PUBLIC BENEFITS 2024

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# PUBLIC BENEFITS = GOVERNMENT BENEFITS



- Reemployment Assistance
- Food Stamps
- TANF
- Medicare/Medicaid
- Medicaid Waivers
- Veterans Benefits
- Social Security Benefits

# REEMPLOYMENT ASSISTANCE

- Florida Commerce
- (formerly known as “Department of Economic Opportunity” or “DEO”)



# Reemployment Assistance

Formerly known as “Unemployment”

## General eligibility requirements:

- Florida resident
- Unemployed
- Worked in Florida during the past 12 months,
- Earned minimum amount of wages determined by Florida guidelines, and
- Actively seeking work each week you are collecting benefits.

# Department of Children and Families (“DCF”)

- Food Stamps
- TANF/cash assistance
- Medicaid/Medicare  
(Medicare is not a DCF program)



# Food Stamps - Programs



## Supplemental Nutrition Assistance Program (SNAP)

- Federal program administered by DCF
- Formerly known as Food Stamps
- Nutritional support for low-income seniors, people with disabilities on fixed incomes, and other individuals and families with low incomes



## SUNCAP

- Food assistance program for those who receive Supplemental Security Income (SSI)
- Must be at least 18 years old, receiving SSI, not working, and purchase and prepare food alone
- If already receiving SNAP may automatically be put in SUNCAP upon favorable SSI determination but can opt to stay in SNAP if the SNAP benefit is higher than SUNCAP



## How to Pay and Where to Use

- Once approved for SNAP and/or TANF, a re-loadable EBT card will be provided
- In May 2021 Walmart, Amazon, Aldi, BJ's Wholesale Club and Publix began accepting SNAP payments online
- Fresh Access Bucks (FAB) allows SNAP recipients to redeem their benefits at farmers markets, produce stands, CSAs, mobile markets, and community grocery outlets to purchase fresh fruits and vegetables

# Food Stamps – SNAP Eligibility

Identity, SSN, Residency, and Citizenship – Applicants must be a U.S. Citizen or qualified non-citizen status who resides in Florida with proof of identity and a Social Security Number

Work Rules – Health adults, 18-50 years old, who do not have dependent children or are not pregnant, may receive benefits for 3 months in a 3-year period if they are not working or participating in a work or work training program

Income and Assets – Most households must pass a gross income limit less than or equal to 200% of the Federal Poverty Level with assets no more than \$2,250 (\$3750 for household with an elderly or disabled member)

Deductions – Some household expenses may be subtracted from the total monthly income in the food assistance budget (shelter, dependent care, medical, child support paid, utilities, and earned income)

# Food Stamps – Child Support Cooperation

Certain individuals must cooperate with the state's child support enforcement agency to prove a child's legal relationship to their parent and to get the court to order child support payments.

i.e. If a mother does not want to seek child support because the father does not know about the child, it does not matter, when applying for government benefits, DCF will require seeking child support even if they are living together and not married



# Food Stamps – Requirement to Report Changes

## Households MUST report:

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When total monthly gross income exceeds 130% of the Federal Poverty Level for their household size.

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When work hours of able-bodied adults fall below 80 hours per month.

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Within 10 days after the end of the month of the change.

# Food Stamps – Ineligibility

## Reasons for SNAP ineligibility include:

- Conviction of drug trafficking,
- Fleeing a felony warrant,
- Breaking SNAP Program rules,
- Noncitizens without a qualified status, or
- Students attending an institution of higher education at least half time, in some circumstances

# Food Stamps – Who Makes a Household?



- Household = people who live together and purchase and prepare food together
- Required to be included in the household
  - Spouses at the same address
  - Children under 22 living with their parents
  - Children under 18 who are under parental control of the head of household
- Elderly or disabled adults (and their spouse and child(ren)) who are unable to purchase/prepare their own food may be their own household if the income of others in the household does not exceed Gross  $\leq$  165% FPGL

# Food Stamps – Individuals Excluded from Household

College  
students

Foster  
children

Boarders

Roomers

Live-in  
attendants

# Food Stamps – Income

Countable  
 Earned  
 Income

Wages for all household members 18 years old or older

Educational assistance with a work requirement

On the job training

Tips

Income from the sale of blood or plasma

Countable  
 Unearned  
 Income

Child support/Alimony

Foster care payments

Social Security Benefits

Unemployment/Workers Comp

Cash assistance (e.g., TANF)

Veterans Administration (VA) payments

Rental Income

Retirement/Pension benefits

# Food Stamps – Exclusions from Income

Food assistance to children (WIC, school breakfast program)

Education assistance (scholarships, grants, loans)

Income of a minor

Loans

Adoption subsidies

Non-cash or in-kind benefits

- Non-recurring lump sum payments
- Medicaid/Medicare
- Direct payment energy assistance (LIHEAP)
- HUD subsidies
- Crime victim compensation
- Combat income
- \*Infrequent or irregular income may be excluded

# Food Stamps – Resources/Assets

## Counted



Cash



Bank accounts



Other property  
including rental  
property



Stocks and bonds

## NOT Counted

- Primary residence and lot
- One vehicle
- Resources of people receiving SSI or TANF
- Burial plots
- Cash value of life insurance policies
- Student grants, loans, scholarships
- Pension and retirement plans

# Food Stamps – Able Bodied Adult Without Dependents (ABAWD)

## Who is an ABAWD?

- Age 18-52
- No dependents and not disabled

## Time limited eligibility

- Can only receive food stamps for 3 out of 36 months unless they work and/or participate in employment program 80+ hours per month
- Months received benefit for full month but did not meet work requirement and were not exempt count

## CareerSource sends notice identifying who has ABAWD work requirements

- <https://lcd.floridajobs.org/>
- Must report hours to CareerSource
- Work 20+ hours per week
- Participate in employment program 20+ hours per week
- Participate in workfare program
- Participate in 20+ hours per week in some combination of the above
- Unless they work 30+ hours per week, they will be referred to employment program

## Exemptions

- Under age 18, or over age 49;
- Physically or mentally unfit for employment, including 2 months postpartum
- Part of a household with a child under 18 even if not parent or minor child is ineligible
- Pregnant
- Caretaker of incapacitated individual or child under age 6
- In drug or alcohol treatment program (not AA, NA, or sober living houses)
- Employed 120 hours/month or earning at least \$870 monthly
- Student enrolled at least half-time
- Migrant worker under contract to start work within 30 days
- Refugee participating in Office of Refugee Resettlement employment or training program
- Homeless Individuals
- Veterans
- Former Foster Youth



# Food Stamps – Sanctions for ABAWD Non-Compliance

- If non-compliant individual is head of household, whole household is ineligible
- If non-compliant individual is not head of household, only that individual is ineligible
  - 1<sup>st</sup> violation – ineligible for minimum of 1 month
  - 2<sup>nd</sup> violation – ineligible for minimum of 3 months
  - 3<sup>rd</sup> violation – ineligible for minimum of 6 months

# Food Stamps – Appeals

A person will receive a Notice of Action when denied benefits, benefits are being reduced or terminated, or when there was an overpayment of benefits.

The Notice is supposed to:

- state the reason for the denial, reduction, termination, or overpayment
- Include instructions for how to apply for Fair Hearing

The time to appeal the Notice is:

- 90 days from date of notice to ask for Fair Hearing
- If within 10 days, benefits can continue pending appeal (however this could create an overpayment if the appeal is unsuccessful)

## Fair Hearing

- Hearing Notice at least 14 days before hearing date
- Right to review and make copies of anything in case file
- Submit evidence before hearing no more than 7 days before hearing
- Can have witnesses
- Usually conducted over the phone
- Decision within 60 days

# TANF/Cash Assistance

Other Benefits through DCF's ACCESS Florida:

- Temporary Cash Assistance (TCA) for families with children under the age of 18 or under age 19 if full time secondary (high school) school students, that meet the technical, income, and asset requirements
- Optional State Supplementation (OSS) monthly cash payments to indigent elderly or disabled individuals who live in special non-institutional, residential living facilities, including assisted living facilities, adult family care homes and mental health residential treatment facilities
- Temporary Assistance for Needy Families (TANF) so that children may be cared for in their own home or the homes of relatives

# Medicaid/Medicare

	Medicare	Medicaid
Administrator	Federal government establishes the rules for Medicare at a National Level	Federal program but managed individually by each state
Eligibility	Age 65+, receiving SSDI for 24 months, end stage renal disease requiring dialysis or transplant, or diagnosed with Lou Gehrig’s Disease (ALS)  No income or asset caps	Receiving SSI, or Through DCF: <ul style="list-style-type: none"> <li>• Families with minor children</li> <li>• Children</li> <li>• Pregnant women</li> <li>• Aged or disabled individuals not receiving SSI</li> </ul> <a href="#">Medicaid Income Limits chart</a>
Coverage	Part A – Hospital Part B – Doctor Services Part D – Prescriptions	Hospital and doctor services, prescriptions, home health care, Advanced Behavioral Analysis (ABA) for minors with maladaptive behaviors
Costs	Part A – no premiums but may be deductibles or copays Part B – federally set premiums if opt in, may be penalties of opt out, premiums may be paid by state through MSP/QMB Part D – based on income <a href="#">2024 Medicare Costs</a>	Generally, no costs but some people are assigned a share of cost that must be met before Medicaid will start paying.


# Medicaid/Medicare - Appeals

## Medicaid

LOOK AT THE PLAN HANDBOOK

### [Sample Member Handbook](#)





## Medicare

Department of Health and Human Services  
OFFICE OF MEDICARE HEARINGS AND APPEALS  
Atlanta, GA

**Standard Appeals Process for Part A and Part B:**

1. Redetermination
  - No minimum claim amount
  - Must be filed within 120 days of receipt of "Initial Determination"
  - Filed with Medicare Contractor
  - Reviewed and decided by Medicare Contractor
  
2. Reconsideration Determination
  - No minimum claim amount
  - Must be filed within 180 days of receipt of "Redetermination"
  - Filed with Qualified Independent Contractor (QIC)
  - Reviewed by Qualified Independent Contractor (QIC)
  - Decisions must be issued within 60 days, or case can be escalated to ALJ, below
  
3. Administrative Law Judge (ALJ) Hearing
  - Amount in controversy must be at least \$180.00 for 2024\*\*
  - Must be filed within 60 days of receipt of "Reconsideration Determination"
  - Filed with Office of Medicare Hearings and Appeals (OMHA)
  - Reviewed and decided by an Administrative Law Judge from the U.S. Dept of Health and Human Services
  
4. Medicare Appeals Council (MAC)
  - Amount in controversy must be at least \$180.00 for 2024\*\*
  - Must be filed within 60 days of receipt of ALJ "Hearing Decision"
  - Filed with U.S. Dept of Health and Human Services
  - Reviewed and decided by U.S. Dept of Health and Human Services Medicare Appeals Council
  
5. Judicial Review
  - Amount in controversy must be at least \$1840.00 for 2024\*\*
  - Must be filed within 60 days of receipt of "MAC Decision"
  - Filed with U.S. District Court
  - Reviewed and decided by U.S. District Court

# Medicaid Waivers

- APD
- ACHA
- DOEA
  
- Federal Programs (Long Term Care, iBudget)
- State Programs (CDC+)



# Medicaid Waivers



Under waiver programs, states can “waive” certain requirements in the Medicaid Act.

In other words, a waiver program allows states to provide care for people who might not otherwise be eligible under Medicaid, provide services that are not necessarily medical in nature, or implement a managed care system.

# Medicaid Waivers – Federal Programs

## Long Term Care

provides home and community-based services for frail elderly and disabled who want to stay out of a nursing home

Administered by AHCA (Agency for Health Care Administration)

Must have Medicaid due to being on SSI disability or meet Medicaid financial requirements as an aged or disabled individual not receiving SSI

DOEA (Department of Elder Affairs) maintains waitlist and assists with enrollment

DCF (Department of Children and Families) is responsible for determining financial eligibility

Applications made through the local Aging & Disability Resource Center (local offices found on DOEA website)

## iBudget

Provides home and community based services for those with a developmental disability that manifested prior to age 18 and constitutes a substantial handicap that can reasonably be expected to continue indefinitely

Serves those with intellectual disabilities, severe autism, spina bifida, cerebral palsy, Prader-Willi syndrome, Down syndrome, Phelan-McDermid syndrome or children between the ages of 3-5 at high risk for a developmental disability

Administered by APD (Agencies for Persons with Disabilities)

May cover services in an intermediate care facility

Applications made through APD



# Medicaid Waiver – State Program CDC+



Watch video [here](#)

# Medicaid Waiver Appeals

## LTC Waiver

## iBudget & CDC+

### LOOK AT PLAN HANDBOOK



- 90 Days to Request Fair Hearing
- All evidence to be submitted no later than 7 days before date of hearing
- Heard before hearing officer from Department of Children and Families (DCF)
- If denied by hearing officer, there is right to appeal to the state District Court of Appeal (DCA)

# Veterans

- Service Connected Disability
- Non-Service Connected Pension
- Survivor's Benefits



# Veterans

## Veterans Affairs

- Service-Connected Disability Benefits
- Non-Service-Connected Pension Benefits
- Discharge Upgrades/Change in Narrative
- Surviving Spouse Benefits
- Overpayment of Benefits

## Denial of Medical Care

- Veterans
- Medicare
- Medicaid

## Military

- Medical Retirement
- Disability Separation Pay

# Veterans – Accreditation for Advice

An individual must be accredited by VA to assist a claimant in the preparation, presentation, and prosecution of a **CLAIM FOR VA BENEFITS**

VA accredits three types of individuals for this purpose:

- Representatives of VA-recognized veterans service organizations (VSO)
- Attorneys (accredited in their individual capacity, not through a law firm)
- Claims agents (accredited in their individual capacity, not through an organization)

# Social Security

- SSI (Supplemental Security Income)
- SSDI (Social Security Disability Insurance)
- SOAR Initial Applications
- Overpayments
- Cessations



# Social Security

The person should apply for both SSI and SSDI because a) so that if they turn out not to be eligible for SSDI the SSI claim can still be considered (SSDI is automatically worked up when making an SSI claim but not the other way around), or b) if granted both, SSI will pay the benefit during the SSDI five month waiting period if there is one.



# Social Security - SSDI

Became Disabled At Age	Number of Credits You Need	Number of Years of Work
21-27	6	1.5
30	8	2
32	10	2.5
34	12	3
36	14	3.5
38	16	4
40	18	4.5
42	20	5
44	22	5.5
46	24	6
48	26	6.5
50	28	7
52	30	7.5
54	32	8
56	34	8.5
58	36	9
60	38	9.5
62 or older	40	10

**SSDI requires a certain amount of credits or years worked in up to 10 years (depending on age)**

- If they are still working while applying, they cannot make over the set amount of income (\$1260/month in 2020) or it will be considered substantial gainful activity (SGA) such that they are considered disabled
- If there is a history of short-term jobs that they are being fired from or cannot hold because of health, it might be considered a failed work attempt even if at SGA



# Social Security - SSDI

- Benefit amount is based on payments made into the system by worker
- Benefit entitlement begins the 6<sup>th</sup> month after month disability began
  - Disability began June 15, 2017, entitlement December 2017
  - Can get up to 1-year retroactive benefits prior to application (onset would be 1 year and 5 months prior to application)
- MEDICARE – eligible after 24 months of SSDI benefit entitlement
  - Part A – Hospital Insurance
  - Part B – Medical Insurance
- SSDI converts to retirement benefits when you reach full retirement age - amount stays the same
  - If took early retirement (reduced rate), need to prove disability prior to in order to increase to full disability/retirement amount

# Social Security - SSI

**Countable income MUST be below the SSI maximum**

**Resources MUST be below \$2,000 for an individual or \$3,000 for a married couple**

1) Your Total Income

- Your income that we do not count

= Your countable income

2) SSI Federal benefit rate

- Your countable income

= Your SSI Federal benefit

Not all income is counted, but what income is counted reduces the SSI benefit amount

Income for SSI includes:

- Wages from work (including that of a spouse living with you)
- Money from other sources, such as pensions, other Social Security benefits, VA benefits
- In-kind support in the form of food and shelter

Not included in income

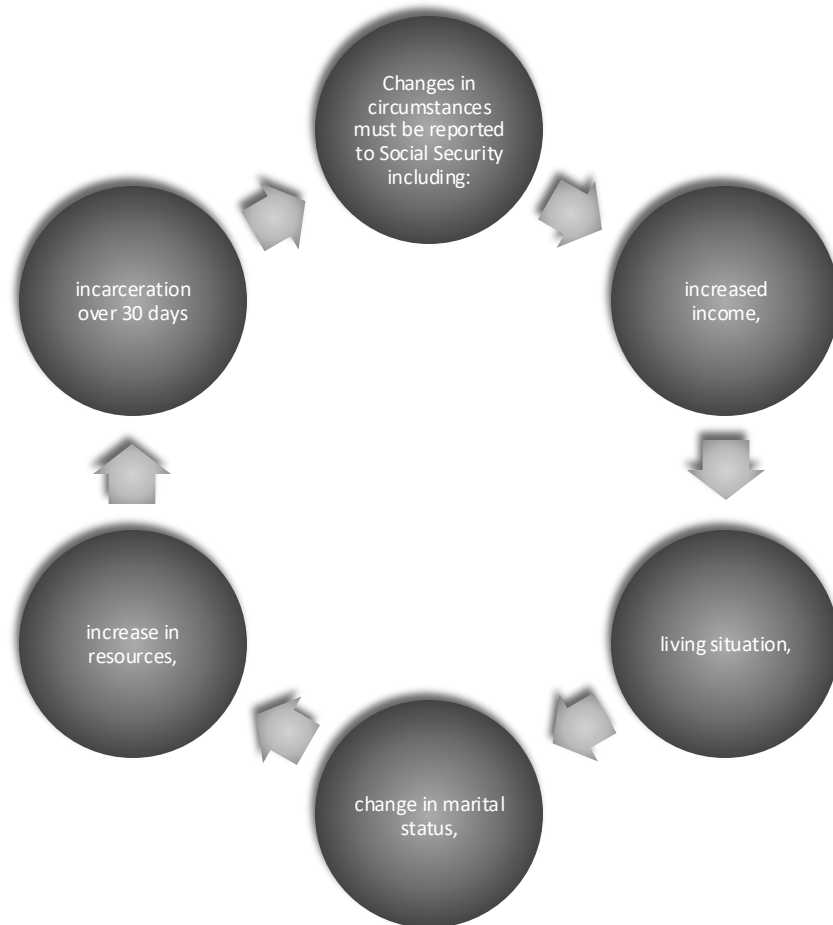
- The first \$20 of most income
- The first \$65 of wages and ½ of wages over \$65
- Value of SNAP, energy assistance, or other assistance based on need
- Grants and scholarships for school
- Loans you have to repay
- The cost of impairment-related work expenses
- Disaster assistance

2024 Federal SSI maximum benefit = \$943/monthly for individual or \$1,415 for eligible individual with eligible spouse

# Social Security - SSI

- Entitlement/retroactive benefits can only go back to the month after application (if found disabled that far back)
  - Applied June 2018 and SSA says disabled as of that date or earlier, can start receiving benefits July 2018
- MEDICAID starting month benefits start
  - Only need \$1 of SSI to qualify
- Must take early retirement at 62
- SUNCAP is a food stamp program for people on SSI (although they can opt for SNAP instead)

# Social Security - Overpayments



## Appeal

- When rules do not support the existence of an overpayment
- When dispute the amount of an overpayment

## Waiver

When overpayment may be proper but

- not to the fault of claimant and
- claimant cannot afford to pay back monies

## Request for Change in Repayment Plan

- When overpayment may be proper to the fault of claimant, and
- Claimant cannot afford to pay back monies

# Social Security - SOAR

**S** – SSI/SSDI

**O** – Outreach

**A** – Access

**R** – Recovery



Designed to increase access to SSI/SSDI for:

Homeless or at risk of homelessness

Have mental illnesses, medical impairments, and/or co-occurring substance use disorders

The claimant must be marked as homeless in SSA system in order for matter to be expedited.

# Social Security Appeals Process

60 days to Appeal between each

## Unfavorable Determination

- Initial Application
- Continuing Disability Review
- Age 18 Redetermination
- Overpayment Determination

## Reconsideration

- Disability Hearing Officer hearing if medical issue
- Does not include denial of overpayment waiver after personal conference

## ALJ Hearing

- Denial of Waiver after personal conference
- Disability Hearing Officer denial
- Denial of overpayment reconsideration

## Appeals Council

- Error of ALJ that may otherwise have resulted in favorable decision

# Questions and Referrals



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CLS HELPLine  
(800) 405-1417  
<https://www.clsmf.org/contact-information/>